

## REMARKS

Claims 1-27 are currently pending with no claim being allowed. Claims 1, 14, and 15 are independent claims.

### Objections to Specification

The Title of the invention stands objected to as not being descriptive. With this paper, the title has been amended to make it more descriptive. If the title is still not sufficiently descriptive, then the Examiner is asked to make suggestions as appropriate.

The Abstract of the disclosure stands objected to for failing to be clear and concise. With this paper, the Abstract has been amended to bring it into better compliance with M.P.E.P. § 608.01(b) as required.

The Summary of the Invention stands objected to for being the same as the Abstract. With this paper, the Abstract has been amended and consequently the Summary and the Abstract are no longer the same. It is respectfully noted that there does not appear to be a requirement in M.P.E.P. § 608.01(d) that the two be different as stated in the Office Action.

### The 35 U.S.C. §§ 102 & 103 Rejections

Claims 1-3 and 14-17 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by *Fujii et al.* (US 5,260,982). Claims 4-13 and 18-27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Fujii et al.* (US 5,260,982). These rejections are respectfully traversed.

Generally, the Office Action states that *Fujii* discloses or suggests all of the claim elements and limitations. Specifically, the Office Action states that, with respect to the flying spot pencil beam generation unit 41 and the backscattered detector 42 of FIG. 5, "...the upper belt [34 of the conveyor 22] is seen as a low Z material, see its characteristics described in column 4, lines 1-6..." However, *Fujii* never describes the conveyor 22 as being made of a low Z material despite using the term in a different context. In fact, the cited text says that the x-rays

penetrate through the upper belt 34 to reach the backscatter detector 23 of FIGS. 2-5. This demonstrates that the Office Action makes a misinterpretation of the teachings of *Fujii*. The conveyor 22 can not be made of a low Z material if it is to allow any substantial penetration through the belt material. Recall that a low Z material will tend to block x-rays and scatter them back toward the source. According to *Fujii* the two backscatter detectors 23 and 42 operate together on the same conveyor 22 (FIG. 5). In order for the first detector 23 to function, the incident x-rays have to penetrate through both sides 34 and 35 of the conveyor 22. The x-rays 40 (FIG. 4) scattered by the object 38 then penetrate back through the upper belt 34 to reach the detector 23. (See col. 3, lines 51-65) This is a total of three passes through the belt material for the x-rays with respect to the first detector 23. Although neither the incident nor the scattered x-rays are required to pass through the conveyor 22 with respect to the second detector 42, the conveyor 22 is shown to be the same for both detectors 23 and 42. Consequently, the conveyor 22 must be substantially transparent to x-rays so that the first detector 23 can function as described and not of low Z material as alleged in the Office Action. Thus, *Fujii* fails to disclose a "low Z material panel" as claimed and can not be said to anticipate or render obvious the presently pending claims.

In view of the above, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

In view of the foregoing, reconsideration and an early allowance of this application are earnestly solicited.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters.

Respectfully submitted,  
THELEN, REID, & PRIEST LLP

Dated: November 12, 2003

A handwritten signature in black ink, appearing to be 'DR', is written over a horizontal line.

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